



2. Plaintiffs allege that Underwriters' Policy covers the damage that Plaintiffs' buildings suffered due to flooding. Plaintiffs now seek the full \$1,350,000.00 Policy limit of Underwriters' Policy as actual damages subject to applicable retention. (*See* ¶ 117 a-j in Plaintiffs' Original Petition and Request for Disclosure). Plaintiffs' Original Petition was served upon Underwriters through the Secretary of State on June 5, 2019. Underwriters filed its Original Answer on June 28, 2019. Defendant Landmark was served and filed its Motion to Stay as well as its Original Answer Subject to its Motion to Stay on June 24, 2019. Therefore, Underwriters' Notice of Removal is timely filed within the 30-day time period prescribed by 28 U.S.C. § 1446(b).

### **B. GROUNDS FOR REMOVAL**

3. Removal is proper because there is complete diversity among the parties. 28 U.S.C. § 1332(a). Plaintiff SCD Memorial Place II LLC has alleged it is a Delaware limited liability company with its principal place of business located at 15377 Memorial Drive, Harris County, Houston, Texas 77079. Plaintiff SCD Memorial Lakes I LLC has alleged it is a Delaware limited liability company with its principal place of business located at 3009 Post Oak Boulevard, Suite 910, Harris County, Houston, Texas, 77046. Defendant Landmark is a New Hampshire corporation, with its principal place of business located at 945 East Paces Ferry Road, Suite 1800, Atlanta, Georgia 30326. Underwriters are and were at the time the State Court Action was filed, citizens of the United Kingdom, where same are incorporated and reside.

4. Additionally, Plaintiffs are seeking monetary relief over \$1,00,000.00 in the State Court Action. Therefore, the amount in controversy exceeds \$75,000.00, excluding interest and costs. 28 U.S.C. § 1332(a).

5. Venue is proper in this district under 28 U.S.C. § 1441(a) because the State Court where the suit has been pending is located in this district.

6. Pursuant to 28 U.S.C. § 1441(d), Underwriters will promptly file a copy of this notice of removal with the Clerk of the State Court where the suit has been pending, and written notice of the filing will be given to Plaintiffs and Defendant.

7. A jury demand was made in the State Court Action.

8. As required by 28 U.S.C. §1446(a) and LR 81, attached to this notice are: 1) all executed process in the case; 2) pleadings asserting causes of action, *e.g.*, petitions, counterclaims, cross actions, third-party actions, interventions, and all answers to such pleadings; 4) all orders signed by the state judge; 5) the docket sheet; 6) an index of matters being filed; and 7) a list of all counsel of record, including addresses, telephone numbers, and parties represented.

9. Defendant Landmark has consented to this removal.

### **C. CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, Defendant CERTAIN UNDERWRITERS AT LLOYD'S, LONDON, SUBSCRIBING TO POLICY NUMBER E16NP08710 ask this Court to remove the suit to the Southern District of Texas, Houston Division, and for such other and further relief to which it may be entitled in law or in equity.

Respectfully submitted,

**WALKER WILCOX MATOUSEK LLP**

By: /s/ Robbie A. Moehlmann

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**ATTORNEYS FOR CERTAIN  
UNDERWRITERS AT LLOYD'S, LONDON,  
SUBSCRIBING TO POLICY NUMBER  
E16NP08710**

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 3rd day of July 2019, a true and correct copy of the above and foregoing has been served by:

☐ certified mail, return receipt requested; ☐ overnight delivery; ☐ hand delivery; ☐ United States first class mail; ☐ facsimile transmission; ☒ electronic transmission on the following counsel:

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